

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Elizabeth Phillips, on behalf of Mark  
Phillips, deceased,

C/A No.: 1:12-533-SVH

vs.

ORDER

Carolyn W. Colvin, Acting  
Commissioner of Social Security,


Defendant.

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This matter is before the court on Plaintiff's motion for attorney's fees [Entry #18]. On August 14, 2013, the court reversed the Commissioner's decision denying Plaintiff's claim for social security disability benefits and remanded the case to the Commissioner for further proceedings. Plaintiff then properly filed and documented a request for fees, costs, and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("the EAJA"), totaling \$7,175.97. The Commissioner filed a response indicating the parties' consent to a reduced award of \$6,500. [Entry #20]. Accordingly, the court grants the motion and directs the Commissioner to pay Plaintiff \$6,500. Such payment shall constitute a complete release from and bar to any and all further claims that Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision. This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

Under *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528–29 (2010), EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Therefore, the court orders the EAJA fees to be paid to Plaintiff.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Shiva V. Hodges". The signature is written in a cursive, flowing style.

December 13, 2013  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge